

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRENTON NILES,

Plaintiff,

-v-

No. 17-CV-1437-LTS-BCM

PATRICK O'DONNELL et al.,

Defendants.

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ORDER

Pro se Plaintiff Trenton C. Niles (“Plaintiff”) filed a complaint asserting a claim under 42 U.S.C. § 1983 (“Section 1983”), alleging that the New York City Police Department, the New York City Department of Corrections, and the Riker’s Island Jail (collectively “Defendants”) violated his rights by arresting and detaining him without probable cause. (The “Complaint,” Docket Entry No. 2.) Plaintiff filed an Amended Complaint on April 14, 2017 (Docket Entry No. 9) in response to an order requiring Defendant to allege facts that would support municipal liability for a Section 1983 claim. (Docket Entry No. 6.) By Court Order, the previous municipal defendants were terminated and replaced by the City of New York on April 26, 2017. (Docket Entry No. 10.) After receiving the names and badge numbers of the arresting officers, Plaintiff again amended his complaint to name only Officers Patrick O’Donnell and Matthew McCarthy, but not the City of New York, as defendants. (Docket Entry No. 17.) Plaintiff filed a motion for leave to file a proposed Third Amended Complaint to again add the City of New York as a defendant. (Docket Entry Nos. 21 and 22). On August 22, 2017, Magistrate Judge Barbara C. Moses issued a Report and Recommendation (the “Report,” Docket

Entry No. 27) recommending that the Plaintiff's motion be denied. No objections to the Report have been filed by either party.

When reviewing a report and recommendation, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.S. § 636(b)(1) (C) (LexisNexis 2016). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted).

Having reviewed Magistrate Judge Moses's thorough and well-reasoned Report, to which no objection has been made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, Plaintiff's motion to file the proposed Third Amended Complaint is denied. This Order resolves Docket Entry No. 22.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York
February 5, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy mailed to:
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